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CRIMES COMPENSATION BOARD

Annual Report

March 31, 1991

FOR THE PERIOD APRIL 1, 1990 TO MARCH 31, 1991

Alberta

Copies of this report may be obtained from :

Crimes Compensation Board
7th Floor, J.E. Brownlee Building
10365 - 97 Street
Edmonton, Alberta
T5J 3W7
Telephone: 427-7217

or

Attorney General Communications Branch
3rd Floor, Bowker Building
9833 - 109 Street
Edmonton, Alberta
T5K 2E8
Telephone: 427-8530

The Crimes Compensation Board Summary

ANNUAL REPORT

FOR THE PERIOD APRIL 1, 1990 TO MARCH 31, 1991

Alberta
ATTORNEY GENERAL

92-07140/

THE BOARD

BORIS A. NAHORNICK, M.D. - CHAIRMAN

TERENCE J. NUGENT - VICE CHAIRMAN

CAROL D. TORFASON - MEMBER

Alberta

THE CRIMES COMPENSATION BOARD

December 1, 1991

The Honourable Ken Rostad, Q.C.
Attorney General of Alberta
Legislature Building
Edmonton, Alberta

Dear Sir:

I submit herewith the Annual Report of the Crimes Compensation Board for the period April 1, 1990 to March 31, 1991.

Respectfully submitted,

B. A. Nahornick

B.A. Nahornick, M.D.
Chairman

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INTRODUCTION

The Criminal Injuries Compensation Act was enacted in 1969 to provide assistance to victims of violent crime who suffer financial loss as a direct result of injuries or death.

The Crimes Compensation Board, established under The Criminal Injuries Compensation Act, consists of three members appointed by the Lieutenant-Governor-in-Council, one of whom, must be a barrister and solicitor. The present members of the Board are: Dr. B.A. Nahornick, chairman; T.J. Nugent, vice-chairman; and Carol D. Torfason, member.

The Board is directed to hold hearings in the presence of the victim to review claims. Although proceedings are informal, any false statement made to the Board is punishable by a fine not exceeding $500. Evidence is obtained from reports by police, hospitals, doctors, dentists, employers and income tax returns in addition to statements from the applicant and witnesses, if required.

The Board may make orders for compensation when injury or death is a direct result of an act or omission of another person that occurred in Alberta and is within the description of any of the criminal offences set out in Schedule 1 of the Act, or to a person who attempts to make an arrest or prevents or attempts to prevent the commission of a criminal offence or assists a peace officer in so doing.

The Board may compensate for damages to or loss of property consisting of clothing or eyeglasses worn at the time of offence. By an amending Act in force after May 4, 1982, the Board may compensate up to $10,000 for loss of or damage to property caused while a peace officer is endeavouring to prevent a criminal offence or arrest an offender for the commission of a criminal offence set out in Schedule 1 of the Act.

Claims may be considered by the Board if the crimes and injury occurred in Alberta, the details have been reported to the police within a reasonable time, the claim is received by the Board within one year of the injury or death, and the loss for which the claim is made exceeds $100.

An applicant must consent to a medical examination if required by the Board and allow the Board to conduct inquiries to verify any statements made.

The Board cannot compensate for injuries caused by motor vehicles except where a spouse is killed as a result of criminal negligence on the part of the operator or because the operator was driving while impaired.

Generally the Board's jurisdiction is limited to awarding compensation for pecuniary loss suffered by the victim, such as loss of wages or loss of support by a dependant of the victim, and expenses incurred by the victim or others on his or her behalf.

Compensation as damages for physical disability, disfigurement or pain and suffering can only be awarded if the victim was arresting a person or preventing that person from committing a criminal offence. In most cases police officers are the recipients of such awards.

APPLICATIONS AND DECISIONS

The number of applications increased during the last year, from 314 to 365 (245 male applicants, 120 female). Residents of other provinces accounted for 48 claims. Of the 365 applications, 328 were for personal injury, 36 for death benefits and one for property damage.

The number of decisions made and recorded by the Board was 525. Payments based on these decisions totalled $1,116,744.00. Loss of earnings accounted for more than 55 per cent of this total.

As medical and hospital expenses of most victims were covered by provincial health plans, medical expenses paid by the Board were mainly for dental work and ambulance service.

The violent crimes most frequently giving rise to applications were:

Assault Causing Bodily Harm
Robbery with Violence
Murder
Assaulting a Police Officer
Sexual Assault
Attempted Murder

MONTHLY AWARDS

The Board feels confident that its power to make awards on a monthly basis is a valuable remedy. Awards of this type provide monthly payments to a victim suffering a continuing disability or, in the case of a claim for death benefits, to the dependants of a victim.

There are many instances in which payment of a lump sum to a victim would be inappropriate, particularly in times of inflation. A monthly payment involves an annual review by the Board, when amendments can be made as circumstances change.

At present, 65 victims are receiving monthly payments, ranging from $50 to $3,100 depending on the former earning capacity of the victim. Following are examples of monthly awards made this year.

Decision #3221e-91
Application No. 196-9

Applicant, female, 31, was assaulted by a male companion on March 7, 1986. The victim suffered a right subdural hemorrhage requiring surgery, with resulting partial paralysis. In March 1987, the Board awarded $2,468 for loss of wages, $10 for the hospital fee, $36 for medical expenses, $65 for damage to clothing, $57 for travel expenses to the hearing, and a monthly award of $200 effective April 1987. In March 1988, the Board ordered the payments of $200 per month be discontinued effective April 1988, as this amount was being deducted from her AISH payments. In November 1988, the Board awarded $60 for travel expenses to the hearing in March 1988. In March 1989, the applicant asked the Board to take over total payments to her for her disability and awarded back payments of $200 per month for 12 months ($2,400), travel expenses of $60, and monthly payments of $920 effective May 1989. In March 1990, the Board continued the monthly payments of $920 and awarded $51 for travel expenses to the hearing, with the matter to be reviewed in 12 months.
Total paid to date: $28,767.00

Decision #544p-91
Application No. 135-75

Applicant, male, 41, was injured on February 15, 1975. The victim was at a house party when a person shot him. He suffered a gunshot wound which fractured his left pelvis and punctured his bowel. In May 1976, the Board made an interim award of $500 for loss of wages and monthly payments of $250 effective June 1976. In May 1977, the Board continued the monthly payments and awarded $125 for travel expenses. In May 1978, the Board decided a small increase was justified and ordered monthly payments of $275 effective June 1978 and $173 for travel expenses. In May 1979, the Board continued the monthly payments and awarded $275 for travel expenses. In November 1979, the applicant obtained employment, and in May 1980, the Board discontinued the monthly payments and awarded $100 for travel expenses. In May 1986, the Board awarded $900 for a new leg brace and repair of his old brace. In November 1986, the Board awarded $300 for repair to a leg brace. In July 1987, the Board awarded $75 for repair to a leg brace, and in August 1987, $9.50 was paid for physiotherapy. In February 1988, the applicant advised he could no longer work, and the Board awarded $590 per month for loss of wages effective March 1988. In May 1988, the applicant was no longer entitled to receive hardship allowance in the amount of $360, and the Board therefore increased the monthly payments to $950 effective May 1988. In March 1989, the Board awarded $540 for repair to a leg brace, and in April 1989 and April 1990, continued the payment of $950 per month, with the matter to be reviewed in 12 months. In February 1991, the Board awarded $195 for repairs to a leg brace.
Total to date: $49,632.50

INTERIM AWARDS

An interim award is a lump sum payment made when no permanent disability is expected from injuries sustained, but is usually serious enough to warrant a reassessment of the applicant's condition at a later date. In the last fiscal year, 21 interim awards were granted by the Board. Following are examples:

Decision #3521b-90
Application No. 188-10

Applicant, female, 47, was injured on November 29, 1986 when someone broke into the victim's house and beat the applicant causing the loss of sight in her right eye. In March 1988, the Board awarded $1,247.80 for travel expenses; $276.55 for hotel accommodations and meals; $169 for legal services; $395.07 for telephone calls, babysitting fees, and miscellaneous expenses; $170 for clothing; and $118 for prescription drugs. The applicant was advised to see a specialist, therefore the Board awarded $70.05 for hotel expenses and $1,408 for benefits lost from unemployment insurance due to this incident. In April 1989, the Board awarded $592.80 for travel to doctors, $240 for meals, $53.12 for medical expenses, $86.18 for telephone calls, $17.50 for accommodations, and $47.50 for parking. In May 1990, the Board awarded $46 for drugs, $348 for glasses, $274.50 for travel to doctor and other expenses, and $19.80 for telephone calls.
Total paid to date: $5,579.87

Decision #4047-90
Application No. 097-12

Applicant, male, 25, was injured on March 7, 1989. The applicant was at a party with some friends. A person was apparently assaulted by someone at the party, and took revenge by shooting three people, one of whom was the applicant. He was shot in the back and is now confined to a wheelchair. In January 1990, the Board awarded $3,285 for loss of wages and $400 for ruined clothing. In March 1991, the Board awarded $1,035 for loss of wages and $69.80 for travel and other expenses to attend the hearing, with the matter to be reviewed in six months.
Total paid to date: $4,789.80

Decision #4123-90
Application No. 226-12

Applicant, female, 50, was assaulted on August 5, 1989. The victim was having a drink with the offender in an apartment when the offender became enraged, assaulted her, and threw her down the stairs. She received a broken arm, among other injuries. In April 1990, the Board awarded $90 for ruined clothing, $50 for drugs, $56 for physiotherapy treatments, $20 bus fare, $85 for nursing assistance, and $5,028 for loss of wages. In October 1990, the Board awarded $5,596.40 for loss of wages, with the matter to be reviewed in six months.
Total paid to date: $10,925.40

Decision #3628f-91
Application No. 266-10

Applicant, female, 35, was assaulted on November 22, 1987. The victim was assaulted in the laundry room of her apartment block. She sustained severe contusions to the neck, face, shoulders and thighs. In July 1988, the Board awarded $2,210.64 for loss of wages, $330 for acupuncture treatments, and $50 for medications. In November 1988, the Board awarded $1,441.44 for loss of wages, $175 for acupuncture treatments, and $60 for the cost of two medical reports to the insurance company to confirm her inability to continue work. In March 1989, the Board awarded $2,026.20 for loss of wages and $525 for acupuncture treatments. In September 1989, the Board awarded $3,512 for loss of wages. In March 1990, the Board awarded $3,782.24 for loss of wages and $70 for acupuncture. In October 1990, the Board awarded $2,404.08 for loss of wages, with the matter to be reviewed in six months.
Total paid to date: $16,586.60

FINAL AWARDS

A final award is a one-time payment to cover a victim's loss of earnings and expenses resulting from a crime where the applicant is able to return to work with no decrease in earnings. There were 257 final payments awarded in the last fiscal year. Following are examples:

Decision #4251-90
Application No. 008-13

Applicant, male, 24, was assaulted on May 21, 1989. The victim was taken to the hospital and treated for facial contusions, a fractured jaw, and dental damage. In October 1990, the Board awarded $2,044.02 for dental expenses, $727.68 for loss of wages, $147.50 for ambulance, $25 for ruined clothing, $42.12 for drugs, $21 for travel expenses to the dentist, $75 for vitamins and food supplements, and $28 for loss of wages to attend the hearing.
Total paid: $3,110.32

Decision #4211-90
Application No. 297-12

Applicant, female, 26, was assaulted on March 18, 1989. The victim was at a bar at closing time when a bar employee punched her in the mouth for her tardiness in leaving. After the victim called the police, she was punched again. In August 1990, the Board awarded $121.43 for dental costs, $17.05 for drugs, $91.50 for chiropractor fees, and $75 for drycleaning.
Total paid: $304.98

Decision #4118-90
Application No. 195-12

Applicant, male, 31, was assaulted on December 16, 1988. The victim was playing pool with some people when he turned around and was hit in the eye by an instrument. In April 1990, the Board awarded $107 for clothing, $150 for glasses, $100 for taxi fares to receive treatment for his injury, and $2,350 for loss of wages.
Total paid: $2,707.00

Decision #4089-90
Application No. 214-12

Applicant, male, 18, was injured on August 18, 1989. The applicant was driving his car when he was involved in a altercation with two males from another vehicle. The two offenders shot the applicant, causing the loss of his right eye and damage to his right chest, right lower thigh, and right leg. In March 1990, the Board awarded $368 for mileage for four trips to doctors, $300 for meals, $65 for counselling, and $294.25 for travel and other expenses to attend the hearing.
Total paid: $1,027.25

SUPPLEMENTAL AWARDS

A supplemental award is a one-time payment made to a victim to cover additional expenses, usually medical, which may have been incurred after the initial award. The Board granted 121 supplemental awards to applicants in the last fiscal year.
Following are examples:

Decision #4088-90
Application No. 229-12

Applicant, male, 22, was assaulted on September 6, 1989. The applicant walked out of a hotel and was attacked and struck on the left side of the jaw, causing a fracture and dental damages. He required treatment which included interdental wiring of his jaw. In March 1990, the Board awarded $18.68 for dental treatment and $880 for loss of wages. In October 1990, the Board awarded a supplemental award of $735.78 for dental work.
Total award to date: $1,634.46

Decision #4365-91
Application No. 159-13

Applicant, male, 39, was assaulted on February 9, 1990. The applicant was at a party when a guest became violent, hit the applicant and broke the applicant's jaw. In January 1991, the Board awarded $443.84 for dental treatment, $2,040 for loss of wages, $80 for loss of wages to attend the hearing, $59 for travel and other expenses to attend the hearing, and authorized future dental work.
Total award to date: $2,622.84

Decision #4067-90
Application No. 179-12

Applicant, female, 26, was assaulted on April 29, 1989. The applicant was at a friend's house when a fight broke out between the other occupants of the house. When she phoned the police, she was assaulted. She sustained injuries to her mouth and teeth. In February 1990, the Board awarded $136.50 for loss of wages and $18 for ruined clothing. In June 1990, the Board made a supplemental award of $1,944.27 for dental work.
Total award to date: $2,098.77

Decision #4064-90
Application No. 142-12

Applicant, male, 43, was injured on September 11, 1988. The victim was assaulted by four men who entered his home uninvited. In February 1990, the Board awarded $25 for ruined clothing and $117 for glasses. In April 1990, the Board made a supplemental award of $2,546.63 for dental work, and again in July 1990, awarded a further $3,033.16 for dental work.
Total award to date: $5,721.79

PAIN AND SUFFERING

The ability of the Board to award compensation for what is termed pain and suffering is limited, both by circumstances and amount. Compensation for disfigurement and pain and suffering caused by the injury can only be awarded if the injury occurred while the victim was preventing a crime, making an arrest or assisting a peace officer to do so. The maximum award is $10,000. Thirty-two applicants received pain and suffering for a total of $27,900 paid last year, compared to $30,100 the previous year. The scale of these awards is well below that of comparable awards in the civil courts, due to the restrictions expressed in the Act. The majority of these awards are made to police officers who have been injured when they are arresting or pursuing offenders.

Following are examples of pain and suffering payments made in this fiscal year.

Decision #4200-90
Application No. 018-13

Applicant, female, 37, was assaulted on April 28, 1989. The victim, a security officer, was arresting a female when a male friend of the offender assaulted her. She sustained contusions to her face, an abrasion to the right cornea and neck, and suffered shoulder injuries. In August 1990, the Board awarded $700 for pain and suffering.
Total award: $700.00

Decision #4101-90
Application No. 215-12

Applicant, male, 33, was injured on March 10, 1989. The victim, a police officer, was apprehending someone wanted in connection with an automobile theft. The police officer broke his thumb while preventing the suspect from escaping. The injury required surgery to implant an artificial joint, which resulted in a grip with very little strength. The Board awarded $1,218.55 for loss of wages and $2,500 for pain and suffering.
Total award: $3,718.55

Decision #4186-90
Application No. 066-13

Applicant, male, 28, was assaulted on September 8, 1989. The victim, a police officer, was on duty and answered a call regarding a disturbance. While attempting to arrest the offender, there was a scuffle in which the applicant fell down and injured his elbow. He underwent surgery to repair the injured tendon. The Board awarded $2,000 for loss of pay and $1,000 for pain and suffering.
Total award: $3,000.00

Decision #4369-9
Application No. 205-13

Applicant, male, 25, was injured on September 15, 1990. The victim was at a friend's home when a man put a ladder against the wall of the building, climbed up and peered through the window. The applicant discovered this man, gave chase, and finally captured him. There was a struggle, and the accused stabbed the applicant twice in an attempt to escape. However, he managed to hold the accused until the police arrived. The injury to the left forearm at the wrist resulted in a scar which causes him pain. The Board awarded $150 for physiotherapy, $100 for glasses, $535 for ruined clothing, $20 for drugs, and $1,500 for pain and suffering.
Total award: $2,305.00

REFUSED AWARDS

Sixty-one applicants were refused awards. Examples of refused awards are outlined below:

Decision #4104-90
Application No. 220-12

Applicant, male, 18, was injured on April 7, 1989. The applicant reported to the police that he was assaulted in front of a store by some young men. However, his father confessed to the police that the incident occurred at a party and asked that the matter be dropped. As this was falsely reported to the police and the matter was dropped, the Board was unable to honour the applicant's claim.

Decision #4210-90
Application No. 017-13

Applicant, male, 18, was injured on June 25, 1989. The applicant stated he was attending a party when a person approached him from behind and smashed a bottle into his face. The facts from the resulting trial indicated that the applicant was the aggressor and was fined $100 after having been found guilty. The Board was satisfied that the applicant was the instigator, rather than the victim of a crime. Therefore, the matter was dismissed.

Decision #4298-90
Application No. 097-13

Applicant, male, 34, was injured on July 18, 1985 in a motor vehicle accident. As motor vehicle accidents are not within the schedule of offences in the Act that can be covered, the Board dismissed the application.

PUBLIC AWARENESS

The Board believes that knowledge of the existence and mandate of the Crimes Compensation Board is increasing across the province. One indication of this is the increase in the number of applications filed within a few days of the event.

An information brochure outlining the work of the Board and the help it can provide has been distributed to the police forces, schools, hospitals and interested groups in the province.

The Board also wishes to acknowledge and thank the law officers of the Crown for their assistance, and is mindful of the conscientious and capable manner in which the Board's staff carry out their responsibilities.

Victim Services units are located throughout the province to assist victims. This includes assistance in completing applications under the Act.

DECISIONS

The total number of decisions made by the Board in the past fiscal year was 525, divided as follows:

Monthly Awards	65	Supplemental Awards	121	Interim Awards	21
Final Awards	257	Applications Refused	61		

FUNDING

Awards made under the Criminal Injuries Compensation Act are cost shared between the Federal Government and the Government of Alberta. The contribution by the Federal Government amounts to 50 per cent of the awards or a maximum of 25 cents per capita of the population of Alberta, whichever is the lesser. The Federal Government does not share administration costs.

PAYMENTS

Payments made during this past year based on the above decisions were:

Monthly Awards - payments	582,393.00	
- disbursements	35,966.00	
Sub-total		$618,359.00
Interim Awards		63,526.00
Final Awards		374,046.00
Supplemental Awards		60,813.00
Total		$1,116,744.00

A breakdown of the awards is as follows:

Loss of Earnings	$607,376.00
Medical Expenses	120,761.00
Pecuniary Loss to Dependants of Victims	212,850.00
Pain and Suffering	27,900.00
Funeral Expenses	87,302.00
Other Pecuniary Loss	54,630.00
Counsel and Legal Fees	5,925.00
	$1,116,744.00

FEES

Fees paid to Board members totalled $78,340.00. Their disbursements totalled $17,777.00, bringing the total paid to the Board to $96,117.00. The Board held hearings on 51 days, 31 in Edmonton and 20 in Calgary.

TYPES OF CRIMES

Of applications which had a first hearing during the 1990-91 period, the following were noted:

Accidental Fire	1	Causing Death by Criminal Negligence	1
Accidental Shooting	1	Illegal Confinement	1
Arson	1	Impaired Driving	1
Assault on a Peace Officer	24	Manslaughter	4
Assault Causing Bodily Harm	198	Murder	26
Attempted Murder	14	Robbery With Violence	27
Careless Use of a Firearm	4	Sexual Assault	22
Causing Bodily Harm with Intent	1		

RESIDENCE OF APPLICANTS

ALBERTA
Airdrie 4
Alix 1
Bow Island 1
Brooks 1
Calgary 117
Camrose 2
Canmore 1
Chauvin 1
Cochrane 1
Delburne 1
Edmonton 111
Edson 1
Fort McMurray .. 1
Grande Prairie ... 2
High Prairie 2
High River 1
Holden 1
Innisfail 1
Killam 1
Kinuso 1
Lacombe 1
Leduc 1
Lethbridge 5
Lloydminster 1
Lundbreck 1
Medicine Hat 5
Millet 1
Morinville 1
Morrin 3
Mundare 2
New Norway 1
Okotoks 2
Ponoka 2
Red Deer 10
Rocky Mountain House 4
Rycroft 1
Saddle Lake 1
Sherwood Park . 6
Slave Lake 2
Spruce Grove 1
St. Albert 4
Stony Plain 2
Sylvan Lake 2
Wetaskiwin 3
Whitecourt 2
Winfield 1

OTHER PROVINCES

BRITISH COLUMBIA
Abbotsford 2
Armstrong 3
Burnaby 1
Campbell River . 1
Clearbrook 1
Comox 1
Courtney 1
Dawson Creek .. 1
Ganges 1
Golden 1
Kamloops 1
Kelowna 5
Nanaimo 1
North Van. 1
Oyama 1
Parksville 2
Pouce Coupe 1
Quesnel 1
Surrey 1
Vancouver 2
Victoria 4
White Rock 2
Winfield 1
Youbou 1

SASKATCHEWAN
Lloydminster 1

ONTARIO
Carleton Place .. 1
Oshawa 1
Thunder Bay 1
Toronto 2

NOVA SCOTIA
Centreville 1
Kings County 1

NEW BRUNSWICK
Riverview 1

N.W.T.
Coppermine 1

OTHER COUNTRIES

U.S.A.
Brooklyn, New York 1

STATISTICAL SUMMARIES OF AWARDS
1969 - 1991

Year	Loss of Earnings	Medical Expenses	Pecuniary Loss to Dependants	Pain and Suffering	Funeral Expenses	Other Pecuniary Loss	Counsel & Legal Fees	TOTALS
1990-91	$607,376	$120,761	$212,850	$27,900	$87,302	$54,630	$ 5,925	$1,116,744
1989-90	603,886	120,662	211,348	30,100	63,195	56,893	4,840	1,090,924
1988-89	651,767	87,251	193,276	51,350	70,538	54,394	7,392	1,115,968
1987-88	561,329	114,850	136,870	37,750	77,975	80,393	9,225	1,018,392
1986-87	646,922	96,515	109,068	49,950	46,701	66,638	7,297	1,019,097
1985-86	457,237	103,443	102,131	37,362	41,663	46,162	5,796	793,794
1984-85	583,529	145,644	78,390	35,500	51,050	48,894	9,720	952,727
1983-84	563,212	123,695	79,310	49,350	74,568	65,272	8,679	964,086
1982-83	425,858	101,021	32,830	45,700	53,788	55,673	9,681	724,551
1981-82	297,800	45,991	51,805	37,950	23,674	26,746	5,651	489,617
1980-81	302,328	39,637	45,789	24,150	24,577	31,302	7,025	474,808
1979-80	365,081	45,175	41,582	21,450	42,034	27,512	7,730	550,564
1978-79	301,217	32,621	30,577	17,036	43,695	27,123	8,580	460,849
1977	267,759	31,355	36,370	26,200	21,298	20,665	8,012	411,659
1976	219,314	23,379	32,320	35,200	5,744	45,106	10,268	371,331
1975	162,881	11,229	41,390	3,500	1,114	9,451	5,710	235,275
1974	131,967	10,336	17,127	8,000	1,248	9,081	4,540	182,299
1973	72,753	8,690	9,841	8,750		5,973	2,214	108,221
1972	83,941	8,212	19,697	11,570	3,374	3,761	2,514	133,069
1971	47,178	6,810	8,350	3,610	561	2,677	2,292	71,478
1969-70	39,692	5,105	521	5,250	741	10,596	2,589	64,493

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